

Federal Defenders  
OF NEW YORK, INC.

Southern District  
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January 5, 2024

**BY ECF AND EMAIL**

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**APPLICATION GRANTED  
SO ORDERED**   
**VERNON S. BRODERICK**  
**U.S.D.J.** 01/09/2024

**RE: United States v. Lyedell Jenkins,  
22 Cr. 401 (VSB)**

Dear Judge Broderick:

I write to request that Mr. Jenkins' bail conditions be modified to permit him to use medical marijuana subject to conditions proposed by Pretrial Services.

Mr. Jenkins suffers from post-traumatic stress disorder, which New York State has long recognized as a qualifying condition its Medical Cannabis Program. See Exhibit A (Psychological Evaluation Report); see also, e.g., Cuomo Signs Bill to Allow Medical Marijuana for PTSD, CBS News New York (Nov. 11, 2017), available at <https://www.cbsnews.com/newyork/news/medical-marijuana-for-ptsd/>. Mr. Jenkins has recently obtained his state patient certification under that program and provided it to Pretrial Services.

Pretrial Services opposes the use of medical marijuana in all cases as a policy matter for the reason that it remains prohibited by federal law. But courts in the Southern and Eastern Districts of New York are increasingly authorizing defendants to use medical marijuana both pretrial and on supervised release. See, e.g., United States v. Carlos Cruz, No. 19 Cr. 770 (JMF), ECF Dkt. 50 (S.D.N.Y. June 2, 2023) (permitting defendant to use medical marijuana on supervised release "as long as such use does not interfere with his employment or compliance with the other terms of supervised release"); United States v. Michael Vax, No. 22 Cr. 324 (E.D.N.Y. Feb. 1, 2023) (ordering defendant's marijuana use shall not constitute grounds for revoking bail); United States v. Roberto Sanchez, No. 19 Cr. 820 (RA), ECF Dkt. 64 (S.D.N.Y. Nov. 7, 2022) (permitting defendant to use medical marijuana on supervised release); United States v. Janessa Torres, No. 21 Cr. 633 (RPK) (E.D.N.Y. Aug. 12, 2022) (permitting use of medical marijuana on pretrial release); United States v. Abraham Hernandez, No. 19 Cr. 97

(JSR), ECF Dkt. 76 (S.D.N.Y. Mar. 14, 2022) (modifying conditions of supervised release to permit defendant to use medical marijuana); United States v. Raymond Rodriguez, No. 17 Cr. 281 (KMK), ECF Dkt. 42 (S.D.N.Y. Sep. 2, 2020) (modifying conditions of supervised release to permit medical marijuana use); United States v. Gilbert Bahamundi, 21 Mag. 10085 (UA) (S.D.N.Y. Oct. 21, 2021) (permitting defendant to use medical marijuana on pretrial release); United States v. Isaiah Gause, No. 20 Cr. 312 (E.D.N.Y. May 17, 2021) (permitting defendant to use medical marijuana on supervised release); United States v. Arizaga, No. 16 Cr. 89 (LTS), 2016 WL 7974826, at \*1 (S.D.N.Y. Dec. 22, 2016) (permitting defendant on pretrial release to use medical marijuana).

Recognizing this trend, Pretrial has drafted a set of conditions that it asks be imposed if medical marijuana is permitted. Specifically, it requests that the Court:

- direct a defendant to provide Pretrial Services with proof of his/her certification, by a registered NYS practitioner, and registry ID card that authorizes him/her to receive medical marijuana in NYS;
- require the defendant to purchase an authorized form of medical marijuana from a NYS medical marijuana-registered organization only; and
- require the defendant to provide Pretrial Services with proof of his/her valid prescriptions, dispensary receipts, amounts/weights and form of marijuana purchased.”

We ask that the Court allow Mr. Jenkins to use medical marijuana subject to these conditions.

The government defers to Pretrial Services.

Respectfully submitted,

/s/

Clay H. Kaminsky  
Assistant Federal Defender  
(212) 417-8749

cc: AUSA Margaret Lyнаugh  
USPSO Francesca Piperato

# EXHIBIT A

*Redacted*